

In Our View: Find Better Charter Fix

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A legislative attempt to save the state's charter schools represents a clever end run around the issue. But, realistically, it is difficult to imagine the state Supreme Court giving a thumbs-up the plan.

The Senate, by a vote of 27-20, last month approved an idea that would provide Washington's eight charter schools with \$18 million from the Washington Opportunities Pathways account — a euphemism for state lottery money. Senate Bill 6194 was supported by Republicans, including Clark County legislators Ann Rivers and Don Benton, while nearly all Democrats voted against it (including Annette Cleveland, D-Vancouver). It now moves on to the House Committee on Education, where it is expected to receive a hearing this week.

As with any legislation, the devil is in the details — along with the legal maze the Supreme Court constructed for lawmakers. Washington voters approved charter schools with 50.7 percent of the vote in 2012, paving the way for 40 charter schools to open throughout the state over a five-year period. But critics quickly took legal aim at the measure, and last year the court ruled that charter schools are unconstitutional.

Charter schools are funded by taxpayer dollars but are governed by independent boards that are not beholden to the electorate. Because of that, the Supreme Court ruled that they are not “common schools” and therefore cannot be financed with money from the state's general fund.

The difficulty in finding a work-around is evident in the bill that passed the Senate. The \$18 million from the Washington Opportunities Pathways account would be replaced by \$18 million from the general fund so other programs supported by lottery money would not be shorted. Rep. Chris Reykdal, D-Tumwater, told The (Spokane) Spokesman-Review that the plan is akin to “laundering lottery money and back-filling it.”

Reykdal's assessment sounds accurate. If the court ruled that money from the general fund cannot be used for charter schools, using money from another account and then filling in that money from the general fund hardly seems like a solution.

That being said, the Legislature is right to try to find a fix for the situation. An estimated 1,200 students are enrolled in the voter-approved charter schools (none have yet been approved for Clark County), taking advantage of what often can be a valuable education alternative for families that are not well-served by traditional schools. As Sen. Steve Litzow, R-Mercer Island, said: “We have great schools. We have some great teachers. But over the last 25 years, we know it doesn't work for everyone.”

Teachers' unions long have been opposed to charter schools, as is Gov. Jay Inslee. That means the bill will face a more difficult journey in the Democrat-controlled House of Representatives, where teachers' unions hold more sway. But the bottom line should be finding a way to provide an optimal education for all Washington students. As Thelma

Jackson, board chairwoman for a charter school in Tacoma, told The (Tacoma) News Tribune: "If charter schools don't prevail or deliver, they'll be empty in time. They'll be empty because no one will come back."

Washington's charter schools deserve an opportunity to stand or fall based upon their own merit, rather than a Supreme Court ruling. But regardless of how one sides on the issue, we likely should all agree that the way the Senate is approaching the issue amounts to an unworkable end-around.